

**HIGH COURT OF UTTARANCHAL
AT NAINITAL.**

Writ Petition No. 294 (S/S) of 2005

Ajay Kumar Pandey,
son of late Sri Ram Ashish Pandey,
presently posted as J.E.
Construction Division – Lohaghat,
Uttaranchal Pey Jal Sansadhan,
Evam Nirman Nigam – Lohaghat,
Champawat.

.....**Petitioner.**

V e r s u s

1. State of Uttaranchal, through Secretary, Rural and Urban Development, Uttaranchal Sashan, Dehradun.
2. U.P. Pey Jal Nigam through its Managing Director, 6 – Rana Pratap Marg, Lucknow.
3. Uttaranchal Pey Jal Sansadhan Evam Nirman Nigam through its Managing Director / Chief Engineer, 11, Mohani Marg, Dehradun.
4. Chief Engineer Kumaon, Uttaranchal Pey Jal Sansadhan Evam Nirman Nigam, Nainital.
5. Superintending Engineer, Uttaranchal Pey Jal Sansadhan Evam Nirman Nigam, Pithoragarh.
6. Executive Engineer, Uttaranchal Pey Jal Sansadhan Evam Nirman Nigam, Champawat.

.....**Respondents.**

Sri B.S. Adhikari, learned counsel for the petitioner.
Leaned standing counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri B.S. Adhikari, leaned counsel for the petitioner and leaned standing counsel for State of Uttaranchal, who has accepted notice on behalf of respondent no. 1, Sri Sudhir Singh, who has accepted notice on behalf of respondent no. 2, and Sri D.S. Patni, who has accepted notice on behalf of respondents no. 3 to 6.

Learned counsel for the parties are agreed to decide the writ petition at its admission stage.

By means of this writ petition, the petitioner, who is working as Junior Engineer in Jal Nigam, Construction Division, Lohaghat, District – Champawat has challenged the order dated 16.03.2005, by which he has been relieved for State of U.P.

The contention of the petitioner is that he has opted for Hill Sub Cadre on 1.5.1996 and thereafter, again 15.03.1999 and as per law laid down in the case of Writ Petition No. 860 (SB) of 2001 (Sukh Dev Vs. State of Uttaranchal and others) he is entitled to be absorbed in the Uttaranchal Pey Jal Sansadhan Evam Nirman Nigam, Uttaranchal.

Learned counsel for the respondents, Sri D.S. Patni, has submitted that the option dated 1.5.1996 does not show that it was forwarded by the competent authority and it does not have any endorsement or reference.

In view of the above discussion, petitioner is directed to approach the appropriate authority by making a representation within a period of one week from today and respondent no. 3 shall decide the representation within four days from the date of receipt of representation.

If the petitioner has not been relieved, he shall not be relieved in pursuance to the order dated 16.03.2005 till the decision taken by the respondent no. 3 on the aforesaid representation.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

March 22, 2005
S.K.Sharma

